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JUDICIAL LEGISLATION. — *Trustees* v. *Jennings*, 18 S. E. (S. C.) 257, is a curious case. In *Trustees* v. *McCully*, 11 Rich. Law, 424 (1858), the South Carolina court held that evidence of adverse possession of land for twenty years would justify the jury in presuming a good title by lost deed; and this in the face of a statute of 1805, which perpetually exempted the land in question from the operation of the statute of limitations. The court in 1858 therefore practically re-enacted the statute which the Legislature in 1805 had specifically repealed. In the principal case, the right to disregard the presumption, left to the jury by *Trustees* v. *McCully*, is finally denied, and it is substantially held that the only facts admissible to rebut the presumption are those which would go to disprove adverse possession. The last distinction is gone between the statute of limitations, repealed by the Legislature, and the presumption enacted in its place by the court. "Although the statute . . . could not be pleaded in bar," say the latter, "yet . . . the Legislature did not interdict the defence of the presumption."

RIGHT TO PRIVACY AGAIN. — *Marks* v. *Jaffa* (N. Y. Law Jour., Jan. 6, 1894), like other cases of its kind, furnishes in the action of the defendant most satisfactory evidence of the justice of the rule of law which gives men "the right to be let alone." The defendant, editor of a newspaper called "Der Wachter," started to publish portraits of the plaintiff, once an actor, now a law student, and of an actor called "Mogulesko," and invited his readers to give by vote their opinions as to which of the two was the more popular. Now it is a perversion of the law of truth in libel to say that it applies to such a case. It is not a case of libel but of invasion of privacy, of unwarrantable and impertinent disregard for the feelings of a person who has in no way offered himself for such criticism. McAdam, J., granted the injunction applied for, saying that the plaintiff's right was "too clear . . . to require further discussion." It is pleasant

for the REVIEW to notice that, as in other cases on the subject, the reasoning of Messrs. Warren and Brandeis' article (4 Har. Law Rev. 193) is adopted by the court.

ANNUAL REPORT OF THE ATTORNEY-GENERAL OF MASSACHUSETTS. — The Attorney-General of Massachusetts in his Annual Report for 1893 comments interestingly upon the increasing proportion of statutes held unconstitutional, pointing out that more have been declared void in the last four years than in the first seventy of the Commonwealth's existence. He also makes several suggestions for the relief of the courts, the most important of which seems to be his proposal that questions of law in trials for misdemeanors should be taken to the Supreme Court only upon report by a judge, and not as now, upon the exceptions of the party, which are often, if not always, either frivolous, or intended solely for delay. He suggests also, that the sessions of the full bench of the Supreme Court be consolidated, and no longer held, as now, in every county in the State. The Massachusetts Supreme Court is, among those of the more important States, almost the last which leads such a perambulatory existence.

Until 1872, all capital trials in Massachusetts were held at the bar of the Supreme Court, then, until 1891, before at least two judges of that court. The result of this has been, according to the Attorney-General, that during the period up to 1891, no capital conviction was reversed. In the year covered by this report, however, two cases of great interest to the profession have shown that no such fortunate results are to be expected from the present system. In one the exclusion of a bit of evidence which subsequently proved immaterial, furnished ground for a new trial, which resulted in an acquittal, based upon substantially the same evidence upon which the previous jury had given a verdict of guilty. In the second, the well-known Borden case, the acquittal has been the subject of adverse comment in the profession (27 Am. L. Rev. 819) because of the exclusion of testimony, which does not appear clearly inadmissible; an exclusion, the propriety of which cannot, under the present law, be tested above, and which has not that final nature which a decision would have if made by members of the Supreme Court.

PARTNERSHIP — DISTINCT PERSONALITY. — To the argument of counsel in *In re Beauchamp Bros.* [1894], Q. B. 1, that a partnership is an entity having an existence separate from that of the individual members, Lord Justice Kay makes pithy reply: "It is no such thing, and the rules do not mean anything of the kind." The learned Lord Justice is true to the traditions of the English common law. The doctrine so emphatically reasserted is a favorite one. It may be worth while to place alongside this forcible utterance the language of one certainly no less worthy of respect than the distinguished Lord Justice. Said Sir George Jessell, in *Pooley* v. *Driver*, 5 Ch. Div. 458, "Everybody knows that partnership is a sort of agency, but a very peculiar one. You cannot grasp the notion of agency properly speaking unless you grasp the notion of the firm as a separate entity from the existence of the partners; a notion which was well grasped by the old Roman lawyers, and which was partly understood in the courts of equity before it was part of the whole law of the land as